

# Statewide Domestic Violence Fatality Review Team

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**January 18, 2018**

*To:* Pat Allen, Director, Oregon Health Authority  
Fariborz Pakseresht, Director, Department of Human Services  
Ellen Rosenblum, Attorney General, Oregon Department of Justice

*From:* Erin Greenawald, Chair, (On Behalf of) the Oregon Domestic Violence Fatality Review Team

***RE: Oregon's Domestic Violence Fatality Review Team (DVFRT)***

Greetings,

Pursuant to the DVFRT's protocol and authorizing statutes, the Team is providing this update regarding the DVFRT's work in 2016-2017.

## **Domestic Violence in Oregon**

On Christmas night, 2016, 24-year old Kate Armand dropped off her 11-month old daughter with her estranged husband, James Tylka, at the apartment he shared with his mother in Sherwood.<sup>1</sup> Tragically, Ms. Armand would not make it out of the neighborhood alive; Mr. Tylka followed her outside where he shot and killed her, leaving her lying in the street. Mr. Tylka fled the area, leading police officers on a chase which culminated with Tylka shooting and gravely injuring Oregon State Police Trooper Nic Cedarberg. Mr. Tylka was then shot and killed by other involved law enforcement.

From the night Kate Armand was killed through January 16<sup>th</sup>, 2017, a short span of less than a month, Oregon suffered the loss of **16 lives in nine separate Domestic Violence-related incidents**<sup>2</sup> which occurred in **six different Oregon counties**.<sup>3</sup>

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<sup>1</sup> Information about this tragedy was obtained from widely-distributed media reports.

<sup>2</sup> These numbers come from media reports of Domestic Violence-related deaths in Oregon. For purposes of tracking deaths, the Criminal Justice System and its community partners define "domestic violence" to also include family relationship outside of the intimate partner context. The Oregon Health Authority (OHA) keeps statistics related to deaths in the intimate partner violence (IPV) context. OHA's definition of IPV is narrower than the one used by CJS and its partners, resulting in data disparities.

<sup>3</sup> Washington, Klamath, Clackamas, Marion, Malheur, and Lane counties suffered deaths related to domestic violence during this time period.

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The diversity of circumstances resulting in these 16 deaths illustrates the depth, scope, and complexity of Domestic Violence. **Domestic Violence affects everyone.**

The nine incidents of December, 2016 – January, 2017 include: two in which officers were involved, including one in which the Trooper was nearly killed<sup>4</sup>; one incident of ‘familicide’<sup>5</sup>; one incident involving a murder/suicide<sup>6</sup>; two incidents involving elderly individuals; one incident involving a juvenile; two incidents involving women as perpetrators; and one incident, not including those involving officers, in which a bystander was killed.

**December 25<sup>th</sup>:** Kate Armand is killed by her estranged husband after she drops off their young child. While fleeing, the perpetrator shoots and injures OSP Trooper, Nic Cedarberg. The perpetrator is shot and killed by other law enforcement. (2 deaths)

**December 27<sup>th</sup>:** Troy Kimball is shot and killed by his adult brother. (1 death)

**December 31<sup>st</sup>:** Judith Ann Rose, 74 YOA, is killed by her 17-year old grandson. (1 death)

**January 1<sup>st</sup>:** Tyler Balais, 25 YOA, is shot and killed by his girlfriend (22 YOA). (1 death)

**January 2<sup>nd</sup>:** Brenda Marie Flues is shot and killed by her husband. (1 death)

**January 3/4<sup>th</sup>:** Erin Kroeker and her three children are killed by her husband/their father who then shot and killed himself. (5 deaths)

**January 9<sup>th</sup>:** Annita Harmon is kidnapped her ex-husband. While fleeing from officers, the perpetrator drove into oncoming traffic, causing a head-on collision with another car. Ms. Harmon died, along with another person, David Bates, who was in the other vehicle. (2 deaths)

**January 14<sup>th</sup>:** An elderly couple, Buster and Christel Parker, is found dead in what was categorized as a murder/suicide. (2 deaths)

**January 16<sup>th</sup>:** Joshua Turnage was killed by an adult woman reported to have been his girlfriend. (1 death)

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<sup>4</sup> In 2015, the **National Law Enforcement Officers Memorial Fund (NLEOMF)** entered into a cooperative agreement with the U.S. Department of Justice COPS office to study officer line-of-duty deaths. This report is a five-year study analyzing line-of-duty deaths in which a total of 684 cases were reviewed.

Some key findings from this report reveal that calls related to domestic disputes and domestic-related incidents represented the highest number of fatal types of calls for service and were also the underlying cause of law enforcement fatalities for several other calls for service. Breul, N., Keith, M.; “Deadly Calls and Fatal Encounters: Analysis of U.S. law enforcement line of duty deaths when officers responded to dispatched calls for service and conducted enforcement (2010-2014).

<sup>5</sup> Familicide refers to the deliberate killing within a relatively short period of time of a current or former spouse or intimate partner and one or more of their children, which is often followed by the suicide of the perpetrator. (Neil Websdale, Director, National Domestic Violence Fatality Review Initiative.)

<sup>6</sup> Three in four homicide-suicide events are related to Intimate Partner Violence; Shen X., Millet L., “Homicides Related to Intimate Partner Violence in Oregon: A Seven Year Review,” Oregon Department of Human Services (2010) Portland, Oregon.

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**In total in 2016**, there were 37 deaths in 28 separate incidents in eleven Oregon counties related to Domestic Violence. Of the 37 deaths, 19 were due to firearm use. **Those who died include:**

- 18 intimate partner victims
- 10 non-intimate partner victims
- 6 perpetrators
- 3 police-involved deaths.

**In total in 2017**, there were 29 deaths in 19 separate incidents in eleven Oregon counties related to Domestic Violence. Of the 29 deaths, 16 were due to firearm use. **Those who died include:**

- 13 intimate partner victims
- 12 non-intimate partner victims
- 4 perpetrators

It is true that there was a decrease in 2017 from 2016 in the number of DV-related deaths Oregon suffered.<sup>7</sup> However, unless that number is ‘zero,’ it remains discouraging, disheartening, and tragic. As we try to comprehend what these figures mean, it is vitally important for all of us to remember that these numbers are more than just numbers—they represent real people. There were *66 people* who died due to domestic violence in the last two years-- real people who had families, friends, neighbors, and communities who loved them and are, almost certainly, still reeling from the profound loss every day. Additionally, it is critical to also remember the widespread and indiscriminate everyday-occurrence of domestic violence perpetrated against and suffered by victims and their children. According to the Women’s Foundation of Oregon’s “Count Her In” report, “[a]n estimated 1 million Oregon women and girls—over half of the state’s female population—have experienced some form of sexual or domestic violence...[o]ne of the highest rates in the country.”<sup>8</sup> While the most tragic outcome of a domestic violence incident is death, there are innumerable harmful, dangerous, and on-going consequences of Domestic Violence occurring every hour of every day apart from and in addition to the far-too-frequent loss of life.<sup>9</sup>

### **STATEWIDE DOMESTIC VIOLENCE FATALITY REVIEW TEAM**

The Domestic Violence Fatality Review Team (DVFRT), through its review process and very deliberate methods, endeavors to remember *the people* who have died due to domestic violence,

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<sup>7</sup> In 2015, there were 48 deaths in 38 separate incidents in thirteen Oregon counties. And in 2014 there were 40 deaths in 28 separate incidents in fourteen Oregon counties.

<sup>8</sup> Accessed and downloaded January 10, 2018;

<https://womensfoundationoforegon.org/uploads/CountHerInExecSummary.pdf> ; Full report:

<https://womensfoundationoforegon.org/uploads/CountHerInreport.pdf>; pages 24-25. It’s also clear that women of color, Native American women, and LGBTQ women are particularly vulnerable and are victimized at much higher rates than national and state averages reflect.

<sup>9</sup> Oregon women have the highest incidence of reported depression in the country, as well as the highest rate of alcohol use. Women are almost twice as likely to attempt suicide than men, and Oregon women have higher rates of childhood trauma than the national average. See FN 7; page 60 of full “Count Her In” report.

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as well as those who continue to grieve them; the DVFRT's case reviews are informed by our respect for all involved and done in a manner sensitive to all people, living or dead.<sup>10</sup>

As we noted in our “*2012 Report to the Legislature*,” [t]he goal of each review is to be as thorough, in-depth, and insightful as possible. Toward this goal, the DVFRT attempts to obtain and review as much information as is available about the involved parties, their relationship, and life circumstances leading up to and including the fatality incident...[t]his type of review allows for not only a deeper understanding of the particular fatality we are reviewing, it also provides for a broader and more textured consideration of Intimate Partner Violence, generally.”<sup>11</sup> The purpose of the DVFRT includes making recommendations to improve the statewide response to and prevention of Domestic Violence and Domestic Violence fatalities.

The in-depth nature of the review process, as described in the Team's protocol, limits the number of fatalities that the DVFRT is able to review each year to two incidents. Since 2012, the DVFRT has reviewed eight cases. This letter will briefly address the cases reviewed in 2016 and 2017 and will offer the Team's findings and recommendations based on those case reviews. It is important to note that throughout each review process, the Team routinely identifies dozens of possible issues worthy of our time, attention, and resources. Through thoughtful and measured discussion, however, the Team narrows down the number of issues to those that are most salient to the current reviewed case, as well as reflect patterns we've observed in past case reviews. Additionally, you'll note that the Team's recommendations offer both short-term, more easily “do-able,” items, as well as long-term, systemic changes. The Team recognizes that the Domestic Violence epidemic is both acute and chronic. Therefore, the approach to the problem and the solutions offered should reflect that reality.

### **CASE REVIEWS**

Due to inclement weather and other circumstances, the Team was able to review only one case each in 2016 and 2017<sup>12</sup>.

#### **2016 Case Review**

The case reviewed in **2016** involved a young, unmarried couple (man and woman) with a small male child (toddler). The couple met in high school while the perpetrator was enrolled as an exchange student from another country. The victim became pregnant shortly after graduating high school. The pregnancy was a source of tension for the couple though they ultimately stayed together and moved in with one another. Both victim and perpetrator attended college for some

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<sup>10</sup> The Domestic Violence Fatality Review Team Protocols are available on the Oregon Coalition Against Domestic and Sexual Violence (OCADSV) website: <http://www.ocadsv.org/our-work/dv-fatality-review>

<sup>11</sup> Domestic Violence Fatality Review Team, “2012 Report to the Legislature,” page 4. Available on OCADSV's website. See FN 9.

<sup>12</sup> Out of respect for the parties, their families, and the participating local agencies, the first meeting of every review is held in the location where the fatality occurred. The second meeting occurs approximately two week later and is usually held in Portland or Salem.

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time, though the victim dropped out toward the end of her pregnancy. They were both working; the victim worked as a care giver in a facility for the elderly and the perpetrator worked at the college he attended.

In the months leading up to the murders, the couple was experiencing significant relationship trouble. The victim wanted to end the relationship and move into her own apartment with their son. This potential change caused the perpetrator to become deeply depressed and desperate. Multiple friends noted the change in his personality and their concern over his mental health. On the day of the murders, the perpetrator drugged the female victim and their child with cold medicine and then killed them. The murders happened in a rural county in the western half of the state. The perpetrator attempted to kill himself but was unsuccessful. He was later prosecuted and convicted of their murders.

### 2017 Case Review

The case reviewed in **2017** involved an adult male and adult female. The couple met online while living in two different states outside of Oregon. Together they moved to Oregon, where the victim was from and where her family still resides. The relationship was short-lived. Prior to the move, the perpetrator began demonstrating controlling and abusive behavior toward the victim. The abuse continued after the couple moved to Oregon and included the perpetrator's threats of suicide. Investigation uncovered that the perpetrator had a history of Domestic Violence with at least one of his ex-partners. The victim was employed. The perpetrator was not employed. The perpetrator was a military veteran who had been injured in a non-combatant incident, though he routinely told others that he had been injured on a top-secret mission. The victim had broken off the relationship with the perpetrator and had begun dating another individual when the perpetrator shot and killed her. The murder occurred in a county in northwestern Oregon. The perpetrator was prosecuted and convicted of the murder.

The following are the Team's Findings and Recommendations from the 2016-2017 case reviews:  
(Those in **bold** represent suggested priority areas)

<u>FINDING</u>	<u>RECOMMENDATION</u>
There is a need to improve awareness of and response to the link between suicidality and increased risk of homicidality in intimate partner relationships.	1) Creation and distribution of information packet(s) on the link between suicidality and homicidality to relevant groups, including mental health professionals, suicide crisis line technicians, DV/SA advocates, law enforcement, and the judiciary. 2) <b>Include "threats of suicide by perpetrator" on FAPA petitions (ORS 107.710) for court consideration.</b>
There is a need to improve upon the public's awareness of and understanding around Domestic Violence ("DV") to include: <ul style="list-style-type: none"><li>• That DV is a public health issue;</li></ul>	1) Request that the Oregon Coalition Against Domestic and Sexual Violence (OCADSV) survey local DV Advocate Agencies on the amount of community training completed

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<ul style="list-style-type: none"> <li>• A redefining of what constitutes ‘violence;’</li> <li>• That Domestic Violence is a pattern of behavior and not necessarily a single abusive incident;</li> <li>• The impact of cultural ‘toxic masculinity,’ as well as other gendered expectations.</li> </ul>	<p>and if that training emphasizes the definition of DV in cases without physical violence.</p> <ol style="list-style-type: none"> <li>2) <b>Ensure that the IPV/Dating violence education in high schools / middle schools, through the Healthy Teen Relationship Act (HTRA), includes information that Domestic and Intimate Partner Violence is a pattern of power and control tactics that can, but does not have to, include physical abuse.</b></li> <li>3) <b>Encourage a statewide Public Health Campaign, in collaboration with appropriate statewide and national partners, which could require minimal statewide funding.</b></li> <li>4) <b>Require all OHA/DHS staff to received training on DV/IPV in collaboration with OCADSV and/or OCADSV’s member-partners.</b></li> <li>5) <b>Create PSAs:</b> <ol style="list-style-type: none"> <li>i. <b>Focus on “re-defining” DV as more than “just” physical abuse, to include the definition in (2), above.</b></li> </ol> </li> </ol>
<p>There is a need to improve long-term post-incident assistance to victims’ families by providing adequate crime victim leave.</p>	<ol style="list-style-type: none"> <li>1) <b>Propose amendment to ORS 659A.162(2)(d) (Oregon Family Leave Act statute) to allow leave to deal with the death of a family member to be time <u>in addition</u> to the total family leave authorized in 659A.162(1) when the death of the family member is a result of homicide.</b></li> <li>2) <b>Propose amendment to ORS 659A.270(4) defining “victim of domestic violence” to include surviving family members of victim of domestic violence homicide, and non-family member witnesses to the crime, allowing them leave to access counseling and medical appointments as well as address safety concerns.</b></li> </ol>

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<p>There is a need to improve long-term post-incident assistance to victim's families in order to facilitate issues such as media requests, crime-scene cleanup and disposal, notification of family/friends, notification to victim's landlord, debtors, etc.</p>	<p>Victim Assistance Programs based in county District Attorney's offices are encouraged to establish on-call practice for homicide response as well as long-term, ongoing advocacy to assist surviving family members with needs including, but not limited to:</p> <ul style="list-style-type: none"> <li>• navigating media requests</li> <li>• crime-scene cleanup and disposal (recognizing that per ORS 90.325 this is the complete responsibility of the landlord if the property is rented or leased)</li> <li>• obtaining death certificates</li> <li>• identifying funeral home/making funeral arrangements</li> <li>• accessing expedited assistance from crime victims' compensation for funeral expenses</li> <li>• property return</li> <li>• navigating insurance company needs for information</li> <li>• notification of family/friends</li> <li>• notification to victim's landlord</li> <li>• notification to victim's debtors</li> <li>• connection with grief counseling or other needed resources.</li> </ul> <p>Duration of services should be determined by the surviving family members and should continue as long as the surviving family members need assistance. These services should be available regardless whether there is a criminal prosecution.</p> <p>At the resolution of a criminal case, family members should be meaningfully connected with advocates within the post-conviction processes.</p> <p>System-based and community-based programs are encouraged to work together to identify and develop materials and appropriate response within each community</p>
<p>There is a need to improve media coverage of domestic violence and domestic violence fatalities.</p>	<ol style="list-style-type: none"> <li>1) Identify member of the media, current or retired, to attend Team meetings to offer input to Team on media-related issues, as well as act as a liaison to local media outlets.</li> <li>2) Establish DVFRT social media presence</li> </ol>



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	<p>through creation of Facebook or other educational page.</p> <ol style="list-style-type: none"><li>3) Collaborate with local agencies to improve language in media releases and publicity around Domestic Violence fatalities in their respective jurisdictions to include educational information, intervention methods, and available resources.</li><li>4) Update Oregon's DV "Press Kit," which was originally created and distributed by the Firearms and Domestic Violence Task Force (2011).</li></ol>
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### **FATALITY REVIEW TEAM: IMPACT AND FUTURE**

In late 2014 and early 2015, the Team submitted to the Oregon legislature its biennial report on our ongoing work. The report was submitted in two parts: The first part was the "The Executive Summary" and the second part was our "Report and Recommendations on Improving the Efficacy of Oregon's Family Abuse Prevention Act (FAPA) Order." At least two of the recommendations in those reports have been reflected in recent legislative changes.<sup>13</sup> Oregon legislators have also referenced the DVFRT's reports throughout recent legislative sessions. **That is to say, the DVFRT's work is being noticed, relied upon, and is making a difference.**

In 2016, the Team submitted a letter-report on its progress to the directors of the Oregon Health Authority, Department of Human Services, Oregon Department of Justice, as well as members of the legislature. The Team offered specific recommendations on how to improve system responses to Domestic Violence. The legislature, in its short 2016 session, was not able to specifically take up work on the issues identified by the Team. However, other agencies and organizations, prompted by outreach from Team members, did take notice and begin the process of making improvements.

For example, one of the Findings made by the Team in its 2016 letter-report was that Oregon should enhance its community corrections supervision of Domestic Violence offenders. Team members were proactive in engaging with the statewide community corrections work group that specializes in Domestic Violence cases (Family Violence Supervision Network) to promote its Finding and attendant Recommendations. Additionally, Team members contacted the division of the state agency (Department of Police Safety Standards and Training, AKA, "DPSST") which

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<sup>13</sup> The Team recommended that Oregon enact an Emergency Protection Order. HB 2776, enacting an Emergency Protective Order in domestic violence situations, became effective January 1, 2016. Likewise, the team recommended that Restraining Order violations become a crime. SB 3, which became effective January 1, 2016, makes certain Restraining Order violations a crime (as opposed to a contempt adjudication).



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provides training to community corrections officers. The curriculum for community corrections officers is scheduled to be evaluated to determine what modifications need to be made. One of Team's members has been asked to participate in that evaluation and modification process.

There was progress made on another of the Team's Findings, as well. The Team determined that it was important for our state's Department of Human Services (DHS), to do an internal audit to determine the available services, points of intervention, and existing gaps in the resources available for victims of Domestic Violence and their children. The Team includes representatives from DHS. Those members took the Team's report and Finding to its agency's DV Council. The Council, receptive to the Team's suggestions, started the process of implementing the Recommendations.

Finally, as it did in past reports, the Team, in its 2016 letter-report, identified the need to prevent Domestic Violence offenders from access to or possession of firearms.<sup>14</sup> One of the Team's recommendations was that the State should encourage and/or mandate that criminal no-contact and other protection orders involving Domestic Violence include restrictions on firearm possession. There are currently a number of counties in Oregon that have these types of "dispossession protocols."<sup>15</sup> In the 2017 legislative session there was a bill introduced (SB 232) which proposed to restrict possession of firearms by Restraining Order respondents. Though that bill was not enacted into law, it is anticipated that the topic of Domestic Violence and firearms will once again be at the forefront in the 2018-2019 sessions. We fully expect that the Team's reports and Recommendations will be relied on by legislators working on Domestic Violence and firearm- related legislation.

The Team's important work could not be accomplished without the dedication of its diligent membership. All of the Team's participants, many of whom have been involved since the Team's formal creation in 2011, volunteer multiple days of their time to prepare for and attend the review meetings, as well as contribute via email and teleconferences to the drafting and dissemination of the Team's reports. Many of the Team members, those not associated with state or local-partner agencies, volunteer their time at their own financial expense, paying for their own mileage and meals, not to mention the time sacrificed from their jobs. Certainly, we are extremely proud of the efforts the Team has made thus far and grateful for the agencies which allow its employees to participate. Nonetheless, we are cognizant of the fact that our ability to continue or, ideally, even expand our work, is directly tied to whether the Team eventually receives formal and consistent funding. The lack of funding and a coordinator whose job is, in full or in part, devoted to the work of the DVFRT has *truly hampered* the DVFRT's ability to leverage its tremendous membership and/or promote its work product. The Team, aptly

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<sup>14</sup> Statistics are clear that the combination of firearms and Domestic Violence is extremely dangerous, if not lethal. DV-related homicides on average comprise 20% of all violent deaths in Oregon. Sixty-plus percent of all DV-related homicides in Oregon are the result of a gunshot wound. While the greatest perceptible cost of the combination of guns and domestic violence is the loss of life, there is also grave concern about the abuse inflicted by Domestic Violence perpetrators who own, possess, or have access to firearms. Studies have revealed that abusers who possess guns tend to inflict the most severe abuse on their partners.

<sup>15</sup> These Oregon counties have Firearm Dispossession protocols: Clackamas, Clatsop, Marion, Multnomah, and Washington.

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described as an “unfunded, all-volunteer, work-horse of a group,” remains dedicated to not only improving system responses to Domestic Violence, but also, most importantly, improving the lives of Domestic Violence victims and survivors. We can only hope that state leaders recognize the importance and utility of the Team’s work and allocate appropriate funding to guarantee its continued existence and expand its potential for greater success.

Notwithstanding the financial and other challenges, the Team is determined to continue our efforts in 2018. We are encouraged that the Team’s energies have resulted in some forward progress and look forward to sharing our Findings and Recommendations with all our community partners and stakeholders around the state. To be sure, any accomplishments are a testament to and in honor of the *real people* involved in the cases we have been privileged to review, as well as all victims and survivors of Domestic Violence in Oregon and beyond. In closing, we would like to thank each of you for your support through participation of your agency representatives on the DVFRT.

If you have questions or comments, please do not hesitate to contact me directly.

Sincerely,



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